

AMENDED IN ASSEMBLY MAY 15, 2008

AMENDED IN ASSEMBLY APRIL 23, 2008

AMENDED IN ASSEMBLY APRIL 15, 2008

AMENDED IN ASSEMBLY APRIL 3, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

## ASSEMBLY BILL

**No. 2231**

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**Introduced by Assembly Member Hayashi**

*(Principal coauthors: Assembly Members Hancock and Lieber)*

*(Coauthors: Assembly Members Evans, Feuer, Jones, Krekorian,  
Laird, and Wolk)*

February 20, 2008

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An act to amend Sections 26840.10 and 26840.11 of, and to add and repeal Section 26840.15 of, the Government Code, to amend Sections 103627 and 103628 of and to add and repeal Section 103629 of, the Health and Safety Code, and to amend Sections 18309 and 18309.5 of, and to add and repeal Section 18309.8 of, the Welfare and Institutions Code, relating to domestic violence.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2231, as amended, Hayashi. Marriage licenses: vital records: fees: domestic violence.

Existing law requires the collection of fees for issuing marriage licenses and for providing certified copies of vital records, including marriage certificates, birth certificates, fetal death records, and death records. Existing law provides for the establishment of county domestic violence program special funds for the purpose of funding local domestic violence programs. Certain fees payable at the time a marriage license

or a certified copy of any of the above vital records is issued may be collected by the county clerks for deposit into these funds.

Existing law authorizes the Alameda County Board of Supervisors and the Solano County Board of Supervisors, until January 1, 2010, upon making certain findings and declarations, to authorize an increase in the fees for marriage licenses and confidential marriage licenses, up to a maximum increase of \$2. Existing law authorizes those boards of supervisors, and the City Council of the City of Berkeley, upon making certain findings and declarations, to authorize an increase in the fees for certified copies of certain vital records, up to a maximum increase of \$2. Existing law authorizes those governmental entities to make further increases in those fees each year, as specified. Existing law requires these fees to be allocated for purposes relating to domestic violence prevention, intervention, and prosecution.

This bill would extend the operation of those provisions until January 1, 2015. This bill would also authorize the ~~Sonoma County Board of Supervisors~~ *boards of supervisors for the Counties of Los Angeles, Napa, Sacramento, Santa Clara, and Sonoma*, upon making certain findings and declarations, to authorize an increase in the fees for marriage licenses, confidential marriage licenses, and certified copies of certain vital records, up to a maximum increase of \$2. This bill would require the ~~Sonoma County Board of Supervisors~~ *those boards of supervisors* to allocate the fees for purposes relating to domestic violence prevention, intervention, and prosecution.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 26840.10 of the Government Code is
- 2 amended to read:
- 3 26840.10. (a) The Alameda County Board of Supervisors,
- 4 upon making findings and declarations on the need for
- 5 governmental oversight and coordination of the multiple agencies
- 6 dealing with domestic violence, may authorize an increase in the
- 7 fees for marriage licenses and confidential marriage licenses, up
- 8 to a maximum increase of two dollars (\$2).
- 9 (b) Effective July 1 of each year, the Alameda County Board
- 10 of Supervisors may authorize an increase in these fees by an
- 11 amount equal to the increase in the Consumer Price Index for the

1 San Francisco metropolitan area for the preceding calendar year,  
2 rounded to the nearest half-dollar (\$0.50). The fees shall be  
3 allocated pursuant to Section 18309 of the Welfare and Institutions  
4 Code.

5 (c) In addition to the fee prescribed by Section 26840.1, in  
6 Alameda County, the person issuing authorization for the  
7 performance of a marriage or confidential marriage, or the county  
8 clerk upon providing a blank authorization form pursuant to Part  
9 4 (commencing with Section 500) of Division 3 of the Family  
10 Code, shall collect the fees specified in subdivisions (a) and (b),  
11 at the time of providing the authorization.

12 (d) The Alameda County Board of Supervisors shall submit to  
13 the Assembly and Senate Committees on Judiciary, no later than  
14 July 1, 2009, a report containing the following information:

15 (1) The annual amounts of funds received and expended from  
16 fee increases for the purpose of governmental oversight and  
17 coordination of domestic violence prevention, intervention, and  
18 prosecution efforts in the county.

19 (2) Outcomes achieved as a result of the activities associated  
20 with the implementation of this section.

21 (e) This section shall remain in effect only until January 1, 2015,  
22 and as of that date is repealed, unless a later enacted statute deletes  
23 or extends that date.

24 SEC. 2. Section 26840.11 of the Government Code is amended  
25 to read:

26 26840.11. (a) The Solano County Board of Supervisors, upon  
27 making findings and declarations on the need for governmental  
28 oversight and coordination of the multiple agencies dealing with  
29 domestic violence, may authorize an increase in the fees for  
30 marriage licenses and confidential marriage licenses, up to a  
31 maximum increase of two dollars (\$2).

32 (b) Effective July 1 of each year, the Solano County Board of  
33 Supervisors may authorize an increase in these fees by an amount  
34 equal to the increase in the Consumer Price Index for the San  
35 Francisco metropolitan area for the preceding calendar year,  
36 rounded to the nearest one-half dollar (\$0.50). The fees shall be  
37 allocated pursuant to Section 18309.5 of the Welfare and  
38 Institutions Code.

39 (c) In addition to the fee prescribed by Section 26840.1, in  
40 Solano County, the person issuing authorization for the

1 performance of a marriage or confidential marriage, or the county  
2 clerk upon providing a blank authorization form pursuant to Part  
3 4 (commencing with Section 500) of Division 3 of the Family  
4 Code, shall collect the fees specified in subdivisions (a) and (b),  
5 at the time of providing the authorization.

6 (d) The Solano County Board of Supervisors shall submit to  
7 the Assembly and Senate Committees on Judiciary, no later than  
8 July 1, 2009, a report containing the following information:

9 (1) The annual amounts of funds received and expended from  
10 fee increases for the purpose of governmental oversight and  
11 coordination of domestic violence prevention, intervention, and  
12 prosecution efforts in the county.

13 (2) Outcomes achieved as a result of the activities associated  
14 with the implementation of this section.

15 (e) This section shall remain in effect only until January 1, 2015,  
16 and as of that date is repealed, unless a later enacted statute, that  
17 is enacted before January 1, 2015, deletes or extends that date.

18 SEC. 2.5. Section 26840.15 is added to the Government Code,  
19 to read:

20 26840.15. (a) ~~The Sonoma County Board of Supervisors~~  
21 *boards of supervisors for the Counties of Los Angeles, Napa,*  
22 *Sacramento, Santa Clara, and Sonoma*, upon making findings and  
23 declarations on the need for governmental oversight and  
24 coordination of the multiple agencies dealing with domestic  
25 violence, may authorize an increase in the fees for marriage licenses  
26 and confidential marriage licenses, up to a maximum increase of  
27 two dollars (\$2).

28 (b) Effective July 1 of each year, ~~the Sonoma County Board of~~  
29 ~~Supervisors~~ *boards of supervisors for the Counties of Napa,*  
30 *Sacramento, Santa Clara, and Sonoma* may authorize an increase  
31 in these fees by an amount equal to the increase in the Consumer  
32 Price Index for the San Francisco metropolitan area for the  
33 preceding calendar year, rounded to the nearest one-half dollar  
34 (\$0.50), *and the board of supervisors for the County of Los Angeles*  
35 *may authorize an increase in these fees by an amount equal to the*  
36 *increase in the Consumer Price Index for the Los Angeles*  
37 *metropolitan area for the preceding calendar year, rounded to the*  
38 *nearest one-half dollar (\$0.50). The fees shall be allocated pursuant*  
39 *to Section 18309.8 of the Welfare and Institutions Code.*

1 (c) In addition to the fee prescribed by Section 26840.1, in  
2 ~~Sonoma County~~ *the counties specified in subdivision (a)*, the person  
3 issuing authorization for the performance of a marriage or  
4 confidential marriage, or the county clerk upon providing a blank  
5 authorization form pursuant to Part 4 (commencing with Section  
6 500) of Division 3 of the Family Code, shall collect the fees  
7 specified in subdivisions (a) and (b), at the time of providing the  
8 authorization.

9 (d) ~~The Sonoma County Board of Supervisors~~ *Each of the*  
10 *boards of supervisors for the counties specified in subdivision (a)*  
11 shall submit to the Assembly and Senate Committees on Judiciary,  
12 no later than July 1, 2009, a report containing the following  
13 information:

14 (1) The annual amounts of funds received and expended from  
15 fee increases for the purpose of governmental oversight and  
16 coordination of domestic violence prevention, intervention, and  
17 prosecution efforts in the county.

18 (2) Outcomes achieved as a result of the activities associated  
19 with the implementation of this section.

20 (e) This section shall remain in effect only until January 1, 2015,  
21 and as of that date is repealed, unless a later enacted statute, that  
22 is enacted before January 1, 2015, deletes or extends that date.

23 SEC. 3. Section 103627 of the Health and Safety Code is  
24 amended to read:

25 103627. (a) (1) The Alameda County Board of Supervisors,  
26 upon making findings and declarations supporting the need for  
27 governmental oversight and coordination of the multiple agencies  
28 dealing with domestic violence, may authorize an increase in the  
29 fees for certified copies of marriage certificates, birth certificates,  
30 fetal death records, and death records, up to a maximum increase  
31 of two dollars (\$2).

32 (2) The City Council of the City of Berkeley, upon making  
33 findings and declarations supporting the need for governmental  
34 oversight and coordination of the multiple agencies dealing with  
35 domestic violence, may authorize an increase in the fees for  
36 certified copies of birth certificates, fetal death records, and death  
37 records, up to a maximum increase of two dollars (\$2).

38 (b) Effective July 1 of each year, the Alameda County Board  
39 of Supervisors and the City Council of the City of Berkeley may  
40 authorize an increase in these fees by an amount equal to the

1 increase in the Consumer Price Index for the San Francisco  
2 metropolitan area for the preceding calendar year, rounded to the  
3 nearest half-dollar (\$0.50). The fees shall be disposed of pursuant  
4 to the provisions of Section 18309 of the Welfare and Institutions  
5 Code.

6 (c) In addition to the fees prescribed by subdivisions (a) and  
7 (b), any applicant for a certified copy of a birth certificate, a fetal  
8 death record, or death record in Alameda County or in the City of  
9 Berkeley shall pay an additional fee to the local registrar, county  
10 recorder, or county clerk, as applicable, as established by the  
11 Alameda County Board of Supervisors or the City Council of the  
12 City of Berkeley.

13 (d) This section shall remain in effect only until January 1, 2015,  
14 and as of that date is repealed, unless a later enacted statute deletes  
15 or extends that date.

16 SEC. 4. Section 103628 of the Health and Safety Code is  
17 amended to read:

18 103628. (a) The Solano County Board of Supervisors, upon  
19 making findings and declarations on the need for governmental  
20 oversight and coordination of the multiple agencies dealing with  
21 domestic violence, may authorize an increase in the fees for  
22 certified copies of marriage certificates, birth certificates, fetal  
23 death records, and death records, up to a maximum increase of  
24 two dollars (\$2).

25 (b) Effective July 1 of each year, the Solano County Board of  
26 Supervisors may authorize an increase in these fees by an amount  
27 equal to the increase in the Consumer Price Index for the San  
28 Francisco metropolitan area for the preceding calendar year,  
29 rounded to the nearest one-half dollar (\$0.50). The fees shall be  
30 allocated pursuant to Section 18309.5 of the Welfare and  
31 Institutions Code.

32 (c) In addition to the fees prescribed by subdivisions (a) and  
33 (b), any applicant for a certified copy of a birth certificate, a fetal  
34 death record, or death record in Solano County shall pay an  
35 additional fee to the local registrar, county recorder, or county  
36 clerk as established by the Solano County Board of Supervisors.

37 (d) This section shall remain in effect only until January 1, 2015,  
38 and as of that date is repealed, unless a later enacted statute, that  
39 is enacted before January 1, 2015, deletes or extends that date.

1 SEC. 4.5. Section 103629 is added to the Health and Safety  
2 Code, to read:

3 103629. (a) ~~The Sonoma County Board of Supervisors~~ *boards*  
4 *of supervisors for the Counties of Los Angeles, Napa, Sacramento,*  
5 *Santa Clara, and Sonoma*, upon making findings and declarations  
6 on the need for governmental oversight and coordination of the  
7 multiple agencies dealing with domestic violence, may authorize  
8 an increase in the fees for certified copies of marriage certificates,  
9 birth certificates, fetal death records, and death records, up to a  
10 maximum increase of two dollars (\$2).

11 (b) Effective July 1 of each year, ~~the Sonoma County Board of~~  
12 ~~Supervisors~~ *boards of supervisors for the Counties of Napa,*  
13 *Sacramento, Santa Clara, and Sonoma* may authorize an increase  
14 in these fees by an amount equal to the increase in the Consumer  
15 Price Index for the San Francisco metropolitan area for the  
16 preceding calendar year, rounded to the nearest one-half dollar  
17 (\$0.50), *and the board of supervisors for the County of Los Angeles*  
18 *may authorize an increase in these fees by an amount equal to the*  
19 *increase in the Consumer Price Index for the Los Angeles*  
20 *metropolitan area for the preceding calendar year, rounded to the*  
21 *nearest one-half dollar (\$0.50). The fees shall be allocated pursuant*  
22 *to Section 18309.8 of the Welfare and Institutions Code.*

23 (c) In addition to the fees prescribed by subdivisions (a) and  
24 (b), any applicant for a certified copy of a birth certificate, a fetal  
25 death record, or death record in ~~Sonoma County~~ *any of the counties*  
26 *specified in subdivision (a)* shall pay an additional fee to the local  
27 registrar, county recorder, or county clerk as established by the  
28 ~~Sonoma County Board of Supervisors~~ *board of supervisors of that*  
29 *county.*

30 (d) This section shall remain in effect only until January 1, 2015,  
31 and as of that date is repealed, unless a later enacted statute, that  
32 is enacted before January 1, 2015, deletes or extends that date.

33 SEC. 5. Section 18309 of the Welfare and Institutions Code is  
34 amended to read:

35 18309. (a) The Alameda County Board of Supervisors shall  
36 direct the local registrar, county recorder, and county clerk to  
37 deposit fees collected pursuant to Section 26840.10 of the  
38 Government Code and Section 103627 of the Health and Safety  
39 Code into a special fund. The county may retain up to 4 percent  
40 of the fund for administrative costs associated with the collection

1 and segregation of the additional fees and the deposit of these fees  
2 into the special fund. Proceeds from the fund shall be used for  
3 governmental oversight and coordination of domestic violence  
4 and family violence prevention, intervention, and prosecution  
5 efforts among the court system, the district attorney's office, the  
6 public defender's office, law enforcement, the probation  
7 department, mental health, substance abuse, child welfare services,  
8 adult protective services, and community-based organizations and  
9 other agencies working in Alameda County in order to increase  
10 the effectiveness of prevention, early intervention, and prosecution  
11 of domestic and family violence.

12 (b) The City Council of the City of Berkeley shall direct the  
13 local registrar to deposit fees collected pursuant to Section 103627  
14 of the Health and Safety Code into a special fund. The city may  
15 retain up to 4 percent of the fund for administrative costs associated  
16 with the collection and segregation of the additional fees and the  
17 deposit of these fees into the special fund. Proceeds from the fund  
18 shall be used for governmental oversight and coordination of  
19 domestic violence and family violence prevention and intervention  
20 efforts, including law enforcement, mental health, public health,  
21 substance abuse, victim advocacy, community education, and  
22 housing, in order to increase the effectiveness of prevention, early  
23 intervention, and prosecution of domestic and family violence.

24 (c) This section shall remain in effect only until January 1, 2015,  
25 and as of that date is repealed, unless a later enacted statute deletes  
26 or extends that date.

27 SEC. 6. Section 18309.5 of the Welfare and Institutions Code  
28 is amended to read:

29 18309.5. (a) The Solano County Board of Supervisors shall  
30 direct the local registrar, county recorder, and county clerk to  
31 deposit fees collected pursuant to Section 26840.11 of the  
32 Government Code and Section 103628 of the Health and Safety  
33 Code into a special fund.

34 The county may retain up to 4 percent of the fund for  
35 administrative costs associated with the collection and segregation  
36 of the additional fees and the deposit of these fees into the special  
37 fund. Proceeds from the fund shall be used for governmental  
38 oversight and coordination of domestic violence and family  
39 violence prevention, intervention, and prosecution efforts among  
40 the court system, the district attorney's office, the public defender's



1 office, law enforcement, the probation department, mental health,  
2 substance abuse, child welfare services, adult protective services,  
3 and community-based organizations and other agencies working  
4 in Solano County in order to increase the effectiveness of  
5 prevention, early intervention, and prosecution of domestic and  
6 family violence.

7 (b) This section shall remain in effect only until January 1, 2015,  
8 and as of that date is repealed, unless a later enacted statute, that  
9 is enacted before January 1, 2015, deletes or extends that date.

10 SEC. 7. Section 18309.8 is added to the Welfare and  
11 Institutions Code, to read:

12 18309.8. (a) ~~The Sonoma County Board of Supervisors~~ *boards*  
13 *of supervisors for the Counties of Los Angeles, Napa, Sacramento,*  
14 *Santa Clara, and Sonoma* shall direct the local registrar, county  
15 recorder, and county clerk to deposit fees collected pursuant to  
16 Section 26840.15 of the Government Code and Section 103629  
17 of the Health and Safety Code into a special fund *for each county*.

18 The county may retain up to 4 percent of the fund for  
19 administrative costs associated with the collection and segregation  
20 of the additional fees and the deposit of these fees into the special  
21 fund. Proceeds from the fund shall be used for governmental  
22 oversight and coordination of domestic violence and family  
23 violence prevention, intervention, and prosecution efforts among  
24 the court system, the district attorney's office, the public defender's  
25 office, law enforcement, the probation department, mental health,  
26 substance abuse, child welfare services, adult protective services,  
27 and community-based organizations and other agencies working  
28 ~~in Sonoma County~~ *the county* in order to increase the effectiveness  
29 of prevention, early intervention, and prosecution of domestic and  
30 family violence.

31 (b) This section shall remain in effect only until January 1, 2015,  
32 and as of that date is repealed, unless a later enacted statute, that  
33 is enacted before January 1, 2015, deletes or extends that date.

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36 CORRECTIONS:

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